

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

<b>In Re:</b>	<b>: CHAPTER 13</b>
	<b>:</b>
<b>ZELLA M. GREEN,</b>	<b>: CASE NO. 04-60083-MHM</b>
	<b>:</b>
	<b>:</b>
	<b>:</b>
<b>Debtor.</b>	<b>:</b>

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**MOTION FOR PROTECTIVE ORDER**

**COMES NOW, Litton Loan Servicing,** and files this Motion For Protective Order pursuant to Rule 7026 of the Federal Rules of Bankruptcy Procedure and Rule 26 (c) of the Federal Rules of Civil Procedure and moves this Court for a Protective Order regarding the Movant's First Request For Admissions to Litton Loan Servicing and in support thereof states as follows:

1.

On January 14, 2004, Litton Loan Servicing, authorized servicing agent for Salomon Brothers Realty Corp., filed a Proof of Claim in the present bankruptcy case. The basis of the debt and claim is a deed to secure debt on the real property owned by the Debtor located at 1787 Thomas Terrace , Decatur, Georgia.

2.

Morris, Schneider & Prior, L.L.C. is counsel for Litton Loan Servicing in above-captioned bankruptcy case.

3.

On January 14, 2004, the date the proof of claim was filed, Morris, Schneider & Prior, L.L.C. was counsel for Litton Loan Servicing.

4.

The offices of Morris, Schneider & prior, LLC filed an Amended Proof of Claim on or about March 31, 2004 after counsel for Debtor objected to the Proof of Claim. The Amended Proof of Claim clarifies the relationship between Salomon Brothers and Litton Loan Servicing.

5.

The purpose of the Debtor's discovery requests are solely intended to hinder and delay the creditor in this case.

6.

The discovery requests do nothing except attempt to keep the Court from focusing upon the critical issue in this bankruptcy case which is whether the Debtor has failed to maintain payments to the creditor and the extent of the arrearage.

7.

The Debtor's discovery requests are solely intended to create a dispute where no dispute actually exists and is merely a "fishing expedition" intended to needlessly burden the creditor, their attorneys and the Court in the hope of creating a litigious environment between the Debtor and the creditor.

8.

As can be seen in the Debtor's schedules, there is no equity in the subject property. The fair market value of the property is listed at \$54,000.00 with a total debt of \$71,022.60. Thus, it is clear that the Debtor has no ability to cure the arrearages on this property and the discovery requests are merely a sham intended to keep this case floundering along without the Debtor having to make payments to service the debt or cure the arrearages.

9.

At no point has Debtor alleged or stated that multiple servicers or holders of the subject security deed have made claims against the Debtor. In fact, the Debtor's own plan and schedules list Litton Loan Servicing as a secured creditor. The relationship between Litton Loan Servicing and Salomon Brothers has been disclosed herein and in the Amended Proof of Claim filed on or about March 3, 2004.

10.

Any and all further attempts to obtain information about the relationship between Litton Loan Servicing and Salomon Brothers is irrelevant, an annoyance, burdensome and unnecessary as that relationship has been disclosed.

11.

The discovery further attempts to gain information contained in the files of Morris, Schneider & Prior, LLC. Such a request sounds more in an attempt to sanction the firm of

Morris, Schneider & Prior, LLC. Thus, such discovery requests targeted at Litton Loan Servicing are inappropriate and oppressive.

**WHEREFORE**, Litton Loan Servicing moves this Court for an entry of an Order that holds that the aforementioned discovery may not be had.

Respondent respectfully submitted this 31<sup>st</sup> day of March 2004.

/S/

**David C. Whitridge**, Bar Number **754793**

Attorney for Creditor

Morris, Schneider & Prior, L.L.C.

3300 N.E. Expressway, Building 8

Atlanta, GA 30341

(770) 234-9181, ext. 1247

**MSP 416.026336 / ln #10083782**

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<b>Debtor.</b>	<b>:</b>

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**CERTIFICATION PURSUANT TO RULE 26(c)**

Comes Now, David C. Whitridge, counsel for Litton Loan Servicing, and certifies that I have in good faith conferred with the party that has propounded the discovery requests in an effort to resolve the dispute without Court action. However, such communication has not resulted in a satisfactory resolution to the dispute. Therefore, Litton Loan Servicing is forced to file the above-styled Motion For Protective Order pursuant to Rule 7026 of the Federal Rules of Bankruptcy Procedure and Rule 26 (c) of the Federal Rules of Civil Procedure.

Respectfully submitted this March 31, 2004

/S/

**David C. Whitridge**, Bar Number **754793**

Attorney for Creditor

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: **Debtor.** :  
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**CERTIFICATE OF SERVICE**

I, David C. Whitridge, Attorney at Law, Morris, Schneider & Prior, L.L.C., 3300 N.E. Expressway, Building 8, Atlanta, GA 30341, certify:

That I am, and at all times hereinafter mentioned was, more than 18 years of age;

That on the 31<sup>st</sup> March 2004, I served a copy of the within MOTION FOR PROTECTIVE ORDER AND CERTIFICATION on the below persons in this bankruptcy matter by regular mail with appropriate postage affixed on the said respondent(s) at:

Zella M. Green  
1787 Thomas Terrace  
Decatur, GA 30032

Adam M. Goodman  
Suite 200  
260 Peachtree Street  
Atlanta, GA 30303

Howard D. Rothbloom  
166 Anderson Street  
Suite 225  
Marietta, GA 30060

I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

/S/

**David C. Whitridge**, Bar Number **754793**  
Attorney for Creditor  
Morris, Schneider & Prior, L.L.C.  
3300 N.E. Expressway, Building 8  
Atlanta, GA 30341  
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